

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7880 of 2016

Danesh @ Daneshwar Kashyap, S/o. Bhagram Kashyap, Aged About 22 Years, R/o. Village Malda, Police Station Hasaod, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station Hasaod, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Atanu Ghosh, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/12/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.133/2016 registered at Police Station- Hasaod, District Janjgir-Champa (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 29.09.2016 while the prosecutrix went to answer the call of nature, at that time, the applicant came and caught hold of the hand of the prosecutrix and took her to *Kotha* and committed forceful sexual intercourse with her.
3. Learned counsel for the applicant would submit that the victim/ prosecutrix is a major girl and at the time of incident, she was alongwith one another friend and she herself had gone alongwith

the applicant and it is a case of consent, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the prosecutrix recorded under Section 161 & 164 of Cr.P.C. Considering such statement, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge